



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

August 30, 2017

Certified Mail No. 7012 3460 0003 1112 9592

Trinity River Hatchery  
P.O. Box 162  
Lewiston, CA 96052

Attention: Craig Layman, Hatchery Manager

**COMPLIANCE ORDER NO. 01\_01\_17R\_002  
TRINITY RIVER HATCHERY PUBLIC WATER SYSTEM (PWS #5301022)  
SURFACE WATER WITH INADEQUATE TREATMENT**

Enclosed is a compliance order issued to the Trinity River Hatchery public water system.

Any person who is aggrieved by an order or decision issued by the Deputy Director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code section 116625) or Article 9 (commencing with Health and Safety Code section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Water Board for reconsideration of the order or decision. Attachment A to the enclosed citation contains the relevant statutory provisions for filing a petition for reconsideration (Health and Safety Code section 116701).

Petitions must be received by the State Board within 30 days of the issuance of the order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m.

Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

If you have any questions regarding this matter, please contact Ian McFadden at (530) 224-4868 or me at (530) 224-4875.

Sincerely,

Barry Sutter, P.E., Klamath District Engineer  
Division of Drinking Water  
STATE WATER RESOURCES CONTROL BOARD

Enclosures

cc: Richard L. Hinrichs, Chief, DDW, Northern California Section, Redding  
Trinity County Environmental Health Department

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

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**STATE OF CALIFORNIA**  
**STATE WATER RESOURCES CONTROL BOARD**  
**DIVISION OF DRINKING WATER**

10 **TO:** Trinity River Hatchery  
11 Attn: Craig Layman, Hatchery Manager  
12 California Department of Fish and Wildlife  
13 P.O. Box 162  
14 Lewiston, CA 96052  
15  
16

17 **COMPLIANCE ORDER NO. 01-01-17R-002**  
18 **FOR**  
19 **SURFACE WATER WITH INADEQUATE TREATMENT**

20 **Trinity River Hatchery**  
21 **System No. 5301022**  
22 **Issued: August 30, 2017**  
23  
24

25 Section 116655 of Chapter 4 of Part 12 of Division 104 of the California Health and  
26 Safety Code (H&S Code) authorizes the issuance of a compliance order for failure to  
27 comply with a requirement of the California Safe Drinking Water Act or any  
28 regulation, standard, permit, or order issued thereunder.  
29  
30

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues this compliance order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to Trinity River Hatchery for violation of CHSC section 116655(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64652.

#### **APPLICABLE AUTHORITIES**

Section 116555 of the CHSC states in relevant part:

*(a) Any person who owns a public water system shall ensure that the system does all of the following:*

*(1) Complies with primary and secondary drinking water standards.*

*(3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.*

Section 116655 of the CHSC states in relevant part:

*(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:*

*(1) Directing compliance forthwith.*

*(2) Directing compliance in accordance with a time schedule set by the department.*

*(3) Directing that appropriate preventive action be taken in the case of a threatened violation.*

1       (b) *An order issued pursuant to this section may include, but shall not be*  
2       *limited to, any or all of the following requirements:*

3               (1) *That the existing plant, works, or system be repaired, altered, or*  
4               *added to.*

5               (2) *That purification or treatment works be installed.*

6               (3) *That the source of the water supply be changed.*

7               (4) *That no additional service connection be made to the system.*

8               (5) *That the water supply, the plant, or the system be monitored.*

9               (6) *That a report on the condition and operation of the plant, works,*  
10              *system, or water supply be submitted to the department.*

11  
12   Article 2. Treatment Technique Requirements, Watershed Protection Requirements,  
13   and Performance Standards

14   §64652. Treatment Technique Requirements and Compliance Options.

15       (a) *A supplier using an approved surface water shall provide multibarrier*  
16       *treatment that meets the requirements of this chapter and reliably ensures at*  
17       *least, between a point where the raw water is not subject to recontamination*  
18       *by surface water runoff and a point downstream before or at the first*  
19       *customer:*

20               (1) *A total of 99.9 percent reduction of Giardia lamblia cysts*  
21               *through filtration and disinfection;*

22               (2) *A total of 99.99 percent reduction of viruses through filtration*  
23               *and disinfection; and*

24               (3) *A total of 99 percent removal of Cryptosporidium through*  
25               *filtration.*

**STATEMENT OF FACTS**

The Trinity River Hatchery public water system (hereinafter, "Trinity River Hatchery") is classified as a transient water system located in Trinity County and supplies water for domestic purposes to the Trinity River Hatchery facility and its visitors. In addition to providing water to the Trinity River Hatchery, water from this system also serves three adjacent residences. The Trinity River Hatchery source is surface water piped directly from the Trinity River. The treatment system consists only of sodium hypochlorite injection.

**DETERMINATIONS**

Based on the above Statement of Facts, The Division has determined that The Trinity River Hatchery does not provide multibarrier treatment that meets the requirements of the California Code of Regulations (CCR), Title 22, Section 64652.

**DIRECTIVES**

This compliance order includes the following directives for Trinity River Hatchery:

1. On or before **November 1, 2017**, the Trinity River Hatchery shall provide a corrective action plan to the Division with an implementation schedule resulting in a return to compliance by no later than **June 1, 2018**. The corrective action plan shall be prepared by a licensed civil engineer and include one of the following alternatives:
  - a. Provide an alternate water source such as a properly sited and constructed groundwater well.

- 1
- 2 b. Provide Division-approved multi-barrier treatment to the existing
- 3 source that includes filtration and disinfection. Treatment shall reliably
- 4 achieve at least 4-log (99.99%) inactivation of viruses, 3-log (99.9%)
- 5 reduction of *Giardia lamblia* cysts and 2-log (99%) reduction of
- 6 *Cryptosporidium oocysts*.
- 7
- 8
- 9 c. Provide a Division-approved alternative that provides Trinity River
- 10 Hatchery with a reliable and adequate supply of pure, wholesome,
- 11 healthful, and potable water. Consolidation with a neighboring water
- 12 system may be considered.
- 13
- 14
- 15 2. Until such time that Trinity River Hatchery provides a new drinking water
- 16 source, or provides adequate treatment, Trinity River Hatchery shall:
- 17
- 18 a. Post signs above all drinking fountains, hose bibs and sinks indicating
- 19 that the water in 'non-potable'.
- 20
- 21 b. Maintain a free-chlorine residual of 2.0 mg/l at all handwashing sinks.
- 22
- 23 c. Serve only bottled water for drinking to the visiting public and
- 24 employees of the Trinity River Hatchery.
- 25
- 26
- 27
- 28

1 All submittals required by this Order shall be addressed to:

2 Barry S. Sutter, P.E.

3 Klamath District Engineer

4 Drinking Water Field Operations

5 Division of Drinking Water

6 State Water Resources Control Board

7 364 Knollcrest Drive, Suite 101

8 Redding, CA 96002

9 (530) 224-4800

10  
11 Nothing in this Order relieves Trinity River Hatchery of its obligation to meet the  
12 requirements of Health and Safety Code, Division 104, Part 12, Chapter 4 (California  
13 Safe Drinking Water Act), or any regulation, permit, standard or order issued or  
14 adopted thereunder.

15  
16 The Division reserves the right to make such modifications to this Order, as it may  
17 deem necessary to protect public health and safety. Such modifications may be  
18 issued as amendments to this Order and shall be effective upon issuance.

19  
20 **FURTHER ENFORCEMENT ACTION**

21 The California SDWA authorizes the Board to: issue citation with assessment of  
22 administrative penalties to a public water system for violation or continued violation  
23 of the requirements of the California SDWA or any permit, regulation, permit or order  
24 issued or adopted thereunder including, but not limited to, failure to correct a  
25 violation identified in a citation or compliance order. The California SDWA also  
26 authorizes the Board to take action to suspend or revoke a permit that has been  
27 issued to a public water system if the system has violated applicable law or

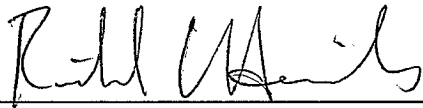
regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Board. The Board does not waive any further enforcement action by issuance of this citation.

#### **PARTIES BOUND**

This Order shall apply to and be binding upon Trinity River Hatchery, its officers, directors, agents, employees, contractors, successors, and assignees.

#### **SEVERABILITY**

The directives of this Order are severable, and Trinity River Hatchery shall comply with each and every provision thereof notwithstanding the effectiveness of any other provision.



Richard L. Hinrichs, P.E., Chief  
Northern California Section  
State Water Resources Control Board  
Division of Drinking Water

8/30/2017  
Date



#### **Appendices (1):**

1. Applicable Authorities

Certified Mail No. 7012 3460 0003 1112 9592



## APPENDIX 1.

### APPLICABLE AUTHORITIES

#### **California Health and Safety Code (CHSC):**

##### **Section 116271 states in relevant part:**

"(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

- (k) (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
- (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties..."

**California Code of Regulations, Title 22 (CCR):**

**Section 64651.50. Groundwater Under the Direct Influence of Surface Water. States:**

"Groundwater under the direct influence of surface water" means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae or large diameter pathogens such as *Giardia lamblia* or *Cryptosporidium*, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH which closely correlate to climatological or surface water conditions.

**Section 64469 (Reporting Requirements) states in relevant part:**

"...(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given."

## **Attachment A**

### **Section 116701. Petitions to Orders and Decisions.**

(a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.

(f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.